



Honorable Linda B. Riegle
United States Bankruptcy Judge



Entered on Docket
5 April 04, 2012

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR
Chapter 11

**Order Granting Stipulated Motion to
Approve, In Part, Proof of Claim No.
10725-01574 Filed by Ovca Associates,
Inc., Defined Pension Plan and Vacating
Hearing**

The Stipulated Motion to Approve, In Part, Proof of Claim No. 10725-01574 Filed by Ovca Associates, Inc., Defined Pension Plan (“Ovca”) and Vacating Hearing (the “Motion”) [DE 9774] is pending before the Court. No notice being necessary, the parties having stipulated on a resolution and good cause appearing,

IT IS ORDERED that the Motion [DE 9774] is granted.

1 IT IS FURTHER ORDERED that the USACM Trust's objections to the allowance
2 of Proof of Claim No. 10725-01574 [DE 8060, 8897, 8734, 8621] are sustained as follows.
3 Proof of Claim No. 10725-01574 is allowed as a general unsecured claim in the amount of
4 \$42,500 and the remainder of Proof of Claim No. 10725-01574 is disallowed.

5 IT IS FURTHER ORDERED that the USACM Trust is authorized to make an
6 immediate 4.92% distribution (\$2,091.00) to Ovca as the *pro rata* share of the funds
7 reserved by the USACM Trust from the initial creditor distribution. Ovca will share in
8 future all distributions pro rata based upon the amount of the allowed claim (\$42,500),
9 including the second distribution of 3.88% approved by Order Authorizing Second
10 Installment of Second Interim Distribution [DE 9763]. All other funds reserved for Proof
11 of Claim No. 10725-01574 will be released from the Disputed Claims Reserve and made
12 available to the Trust for whatever purpose is appropriate in the administration of the
13 Trust.

14 IT IS FURTHER ORDERED that this order supersedes all previous order that may
15 be construed as inconsistent with this order.

16 IT IS FURTHER ORDERED that the status hearings relating to the USACM
17 Trust's objections to allowance of Proof of Claim No. 10725-01574 [DE 8060, 8897,
18 8621] scheduled for April 19, 2012 at 10:00 a.m. are vacated.

19 IT IS FURTHER ORDERED that each party shall bear their own costs and
20 attorneys' fees.

21 APPROVED AS TO FORM AND CONTENT:

22 OVCA ASSOCIATES, INC., DEFINED BENEFIT PENSION PLAN

23
24 By: /s/ William J. Ovca, Jr.,
25 William J. Ovca, Jr., Trustee
26 16872 Baruna Lane
Huntington Beach, CA 92649

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2 PREPARED AND RESPECTFULLY SUBMITTED BY:

3
4 **LEWIS AND ROCA LLP**

5 By /s/ John Hinderaker (AZ 018024)

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